

STAFF COMPLAINTS AND GRIEVANCES

- Required**
- Local**
- Notice**

The Board of Education recognizes that staff complaints and grievances regarding work rules arise.

Employees shall be free from coercion, restraint, interference, discrimination or reprisal in relation to the presentation and resolution of any grievance.

In order to establish and maintain a more harmonious and cooperative relationship between and among employees and to enhance the educational program of the School District, the School District shall implement the multi-stage grievance procedure set forth below pursuant to the General Municipal Law. The purpose of these procedures is to provide the means for prompt, orderly and fair settlement of differences and to assure equitable and proper treatment of employees pursuant to established rules, regulations and policies of the School District.

DEFINITIONS

1. "Employees" shall mean any person or group of persons directly employed and compensated by the Board of Education except members of the instructional staff who require certification by the State Education Department.
2. "Administrator" shall mean any person, regardless of title, who is assigned to exercise any level of supervisory responsibility over other employees.
 - a. "Chief Administrator" as referred to in the law, shall mean the district's Superintendent of Schools.
 - b. "Immediate Supervisor" shall mean the administrator to whom the employee is directly responsible.
3. "Representative" shall mean the person or persons designated by the aggrieved employee to act as his/her counselor to act in his/her behalf.
4. "Grievance" shall mean any claimed violation, misinterpretation or inequitable application of any existing laws, rules, regulations, policies or administrative authority which relate to or involve the employee in the exercise of the duties assigned to him/her. A grievance may call attention to the absence of a needed policy or to a conflict between two and more existing and applicable policies. Among the areas that may be dealt with by these grievance procedures should be work assignments, working hours, work load, salary classification, individual compensations, employee records, promotion, leave and all other matters relating to conditions of employment or involving employee health or safety. The term "grievance"

shall not include any matter involving an employee's rate of compensation, retirement benefits, disciplinary proceedings or any other matter which is otherwise reviewable pursuant to law or any rule or regulation having the force or effect of law.

BASIC PRINCIPLES

1. It is the intent of these procedures to provide for the orderly settlement of differences in a fair and equitable manner. The resolution of each grievance at the earliest possible stage is encouraged. The establishment of these procedures is in no way intended to prohibit, prevent or discourage free, open and informal discussion of problems between employees and their administrators.
2. An employee shall have the right to present grievances in accordance with these procedures free from coercion, interference, restraint, discrimination or reprisal.
3. An employee shall have the right to be represented at any stage of the procedures by a person or persons of his/her own choice. In the case of group grievances the same procedure shall apply.
4. Each party to a grievance shall have access at reasonable times to all written statements and records pertaining to such case.
5. All hearings shall be confidential.
6. It is the responsibility of the Superintendent of Schools to take such steps as may be necessary to give force and effect to these procedures. Each administrator shall have the responsibility to consider promptly each grievance presented to him/her and make a determination within the limits of the authority delegate to him/her within the time specified in these procedures.
7. These procedures may be amended only after all employees have had an opportunity to react to, and to express their views regarding such proposed amendments.
8. The function of these procedures is to assure the equitable and proper treatment of all employees under the existing laws, rules, regulations, policies, practices and procedures which relate to or affect the employee in the performance of his/her assigned duties. They are not designed to be used for changing such rules or for establishing new ones.
9. The use of the procedures herein set forth in no way deprives any employee of his/her recourse to appeal to the Commissioner of Education, Civil Service Commission, or to the courts, as provided by law.

10. At any stage which becomes terminal by virtue of satisfactory resolution or failure to initiate the next step within the allotted time, all pertinent records shall be forwarded to the Superintendent of Schools for filing.

PROCEDURES

1. The Informal Stage
 - a. When an employee has a grievance, he/she shall orally and informally present his/her grievance to his/her immediate supervisor who shall orally and informally discuss the grievance with the aggrieved employee. The immediate supervisor shall, to such extent as he/she may deem appropriate, consult with his/her superiors and a determination shall be rendered to the aggrieved employee within ten (10) working days after the grievance has been presented. Upon request of the employee, a jointly prepared record of the grievance and determination shall be filed in the office of the Executive Director for Human Resources for the clerical staff and in the office of the Cafeteria Director for the cafeteria staff. Where the grievance has not been satisfactorily resolved at this level, such written record must be prepared.
 - b. If the grievance cannot be satisfactorily resolved at this stage, then the aggrieved may proceed to the formal stage.
 - c. In the event the immediate supervisor is the subject of the grievance, the employee shall report his/her grievance to the Executive Director for Human Resources or the Deputy Superintendent.
2. The Formal Stage
 - a. Within five (5) working days after a determination has been made at the preceding stage, the aggrieved employee may make a written request to the Superintendent of Schools or his/her designee for review and determination. If the Superintendent of Schools designates a person to act in his/her behalf, he/she shall also delegate full authority to render a determination in his/her behalf.
 - b. The Superintendent of Schools or his/her designee shall immediately notify the aggrieved employee, the immediate supervisor, and any other supervisor or administrator previously rendering a determination in the case to submit written statements to him/her within five (5) working days setting forth the specific nature of the grievance, the facts relating thereto, and the determination(s) previously rendered.

- c. A hearing may be requested by either party. Such a hearing must be requested in writing as part of the statement submitted in accordance with paragraph 2 above. The Superintendent of Schools or his/her designee shall hold such hearing within five (5) working days following the receipt of the written request, and shall notify parties concerned in the case of the scheduled time and place for the hearing at which time all parties may appear and present oral and/or written statements supplementing their positions in the case.
- d. The Superintendent of Schools or his/her designee shall render his/her determination in writing within ten (10) working days after the written statements pursuant to paragraph 2 have been presented to him/her.
- e. If the grievance is not satisfactorily resolved at this stage, the aggrieved employee may proceed to the review stage.

3. The Board Stage

The aggrieved employee may, within five (5) school days of the final determination by the Superintendent of Schools, make a written request to the Board of Education for review and determination. All written statements and records of the case shall be submitted to the President of the Board of Education by the chairperson of the review board. The Board of Education shall be convened within ten (10) school days of the request and receipt of all records by the President of the Board. The Board of Education may hold a hearing to obtain further information in the case. The aggrieved and other parties directly concerned will be notified of the determination of the Board by the Superintendent of Schools in writing, within ten (10) school days of the close of the Board's deliberations.

GENERAL CONSIDERATIONS

- 1. Failure at any stage of this procedure to communicate the decision on a grievance within the specified time limits shall permit the aggrieved to proceed to the next step.
- 2. Failure at any stage of this procedure to appeal a grievance to the next step within the specified time limits shall be considered acceptance of the decision at that step.

DISTRIBUTIONS OF GRIEVANCE PROCEDURES

A copy of these procedures, and any amendments, thereto, shall be distributed to all employees and shall be filed with the state civil service commission and the clerk of the school district within fifteen (15) days after their adoption. The procedures shall be open to public inspection. Upon request to the clerk of the district, they may be inspected, at reasonable times, in the school business office.

Regulations

Approved 9/25/63

Amended:

11/28/78, 1/16/19